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(II)

(i) after clause (aa) the following new clauses shall be inserted, namely:—

“(aaa)” arbitration proceeding means:—

(i) any proceeding under Chapter III A of this Act before an arbitrator,

(ii) any proceeding before an Industrial Tribunal in Arbitration, “(aaa)” “arbitrator” means an arbitrator to whom a dispute is referred for arbitration under the provisions of Chapter III A of this Act and includes an umpire.”

(ii) for clause (b) the following shall be substituted, namely:—

“(b)” “award” means an interim, final or supplementary determination by an Industrial Tribunal of any Industrial disputes or of any question relating thereto, or by an arbitrator in arbitration proceedings under Chapter IIIA.”

(iii) after clause (eee), the following new clause shall be inserted, namely:—

“(eeee)” “member” means a person who is an ordinary member of a Union and who has paid a subscription of not less than two annas per month:

Provided that no person shall at any time be deemed to be a member if his subscription is in arrears for a period of three months or more next preceding such time.”

(iv) after clause (oo) the following new clauses shall be inserted, namely:—

“(ooo)” “Registrar” means a person for the time being appointed to be the Registrar of Unions under this Act and includes in respect of such powers and duties of the Registrar as may be conferred and imposed on him; and Assistant Registrar of Unions;

“(oooo)” “Representative Union” means a union for the time being registered as a Representative Union under this Act.”

(v) after clause (rr) the following new clause shall be inserted, namely:—

“(rrr)” “Union” means a trade union of employees registered under the Indian Trade Union Act, 1926 (XIV of 1926).

(vi) in clause (5) after the words “during that dispute”, the words” or any person employed by a contractor to do any work for him in the execution of a contract with an employer’ shall be inserted.

3. Insertion of section 3A in Act XIV of 1947.—After section 3 of the said Act, the following new section shall be inserted, namely:—

“3A” Registrar and Assistant Registrars:—

(1) The State Government shall, by notification in the official Gazette, appoint a person to be the Registrar of Unions for the purposes of this Act for the whole state,

(2) The State Government may, by similar Notification, appoint a person to be the Assistant Registrar of Unions for any local area and may, by general or specific order, confer on such person all or any of the powers of the Registrar of Unions under this Act.

4. Insertion of Chapter II A after Chapter II of Act XIV of 1947.—After Chapter II of the said Act, the following new Chapter shall be inserted, namely:—

“CHAPTER II A”

REGISTRATION OF UNIONS

9A. Maintenance of Registers.—It shall be the duty of the Registrar to maintain in such form as may be prescribed, register of Unions registered by him under the provisions of this Act.

9B. Application for Registration.—Any union which has for the whole of the period of three months next preceding the date of its so applying under this section a membership of not less than fifteen per cent of the total number of workmen employed in the unit of an Industry may apply in the prescribed form to the Registrar for registration as a Representative Union.

9C. Registration of Union.—On receipt of an application from a union for registration under section 9B and on payment of the fee prescribed, the Registrar, shall if after holding such inquiry as he deems fit he comes to the conclusion that the conditions requisite for registration specified in the said section are satisfied and that the Union is not otherwise disqualified for registration enter the name of the union in the appropriate register maintained under section 9A and issue a certificate of registration in such form as may be prescribed:

Provided firstly, that where two or more unions fulfilling the conditions necessary for registration under this act apply for registration in respect of the same unit of an industry, the union having the largest membership of employees employed in the unit of the Industry shall be registered:

Secondly, that the Registrar shall not register any union if he is satisfied that the application for its registration is not made bona-fide in the interest of the workmen but is made in the interest of the employers to the prejudice of the interest of the workmen.

9D. Cancellation of registration.—The Registrar shall cancel the registration of the union:—

(a) If after holding such inquiry, if any, as he deems fit, he is satisfied—

(i) that it was registered under mistake, misrepresentation or fraud; or

(ii) that the membership of the union has for a continuous period of three months fallen below the minimum required under section 9B for its registration:

Provided that where a strike or a closure not being an illegal strike or closure under this Act in an unit of Industry involving more than one-third of the workmen in an unit of the Industry has extended to a period exceeding fourteen days in any calendar month, such month shall be excluded in computing the said period of three months:

Provided further that the registration of a union shall not be cancelled under the provisions of this sub-clause unless its membership at the time of the cancellation is less than such minimum; or

(iii) that the registered union is not being conducted bona-fide in the interests of workmen but in the interests of employers to the prejudice of the interest of workmen; or

(iv) that it has instigated, aided or assisted the commencement of continuation of an illegal strike;

(b) If its registration under the Indian Trade Union Act, 1926, is cancelled.

9E. Registration of another union in place of existing Registered union.—(1) If at any time any union (hereinafter in this section referred to as "applicant union") makes an application to the Registrar for being registered in place of the union (hereinafter in this section referred to as "representative Union") for a unit of an industry on the ground that it has a larger membership of workmen employed in such units of the industry, the registrar shall call upon the representative union by a notice in writing to show cause within one month of the receipt of such notice why the applicant upon should not be registered in its place. An application made under this sub-section shall be accompanied, by such fee as may be prescribed.

(2) The Registrar shall forward to Labour Commissioner a copy of the said application and notice.

(3) If, on the expiry of the period of notice under sub-section(1), after holding such inquiry as he deems fit, the Registrar comes to the conclusion that the applicant union complies with the conditions necessary for registration specified in section 9B and that membership was during the whole of the period of three months immediately preceding the date of the application under this section larger than the membership of the representative union, he shall, subject to the provisions of section 9B, register the applicant union in place of the representative union.

(4) Every application made under this section shall be published in the prescribed manner not less than 14 days before the expiry of the period of notice under sub-section (1).

9F. Application for re-registration.—(1) Any union the registration of which has been cancelled on the ground that it was registered under a mistake or on the ground specified in sub-clause (ii) of clause (a) of section 9D may, at any time after three months from the date of such cancellation and on payment of such fees as may be prescribed, apply for re-registration. The provisions of sections 9B and 9C shall apply in respect of such application.

(2) A union the representation of which has been cancelled on any other ground shall not, save with the permission of the State Government, be entitled to apply for re-registration.

9G. Appeal to Industrial Tribunal from order of Registrar cancelling registration.—(1) Any party to a proceeding before the Registrar may, within 30 days from the date of an order passed by the Registrar under this Chapter appeal against such order to the Industrial Tribunal:

Provided that the Industrial Tribunal may for sufficient reason admit any appeal made after the expiry of such period.

(2) The Industrial Tribunal may admit an appeal under subsection (1) if on a perusal of the memorandum of appeal and the decision appealed against it finds that the decision is contrary to law or otherwise erroneous.

(3) The Industrial Tribunal in appeal may confirm, modify or rescind any order passed by the Registrar and may pass such consequential orders as it may deem fit. A copy of the orders passed by the Industrial Tribunal shall be sent to the Registrar.

9H. Publication of orders.—Every order passed under section 9C; 9D or 9E and every order passed in appeal under section 9G shall be published in the prescribed manner.

5. Insertion of Chapter IIIA after Chapter III of Act XIV of 1947.—After Chapter III of the said Act the following new Chapter shall be inserted, namely:—

CHAPTER III'A

ARBITRATION

10A. Submission.—(1) Any employer and a Representative union or in the absence of any registered representative union any other registered union under the Indian Trade Union Act, 1926 (Act XVI of 1926) which is a representative of employees may, by a written agreement, agree to submit any present or future industrial dispute or class of such disputes to be arbitration of any person whether such arbitrator is named in such agreement or not, such agreement shall be called a submission.

(2) Such submission may provide that the dispute shall be referred to the arbitration of an Industrial Tribunal.

(3) A copy of every such submission shall be sent to the Registrar who shall register it in the register to be maintained for the purpose and shall publish it in such manner as may be prescribed.

10B. Submission when revocable.—Every submission shall in the absence of any provision to the contrary contained therein be irrevocable:

Provided that a submission to refer future disputes to arbitration may at any time be revoked by any of the parties to such submission by giving the other party six months notice in writing:

Provided further that before the expiry of the said period of six months the parties may agree to continue the submission for such further period as may be agreed upon between them.

10C. *Proceedings in arbitration.*—The proceedings in arbitration under this Chapter shall be in accordance with the provisions of the Arbitration Act, 1940 (X of 1940) in so far as they are applicable, and the powers which are exerciseable by a Civil Court under the said provisions shall be exerciseable by the Industrial Tribunal.

10D. *Special case to be stated to Industrial Tribunal.*—The arbitrator may refer any question of law arising before him in any proceedings under this Act to the Industrial Tribunal for its decision. Any award made by the arbitrator shall be in accordance with such decision.

10E. *Award by Arbitrator.*—The arbitrator shall, after hearing the parties concerned, make an award which shall be signed by him.

10F. *Dispute to be referred to Industrial Tribunal if no Arbitrator appointed.*—Notwithstanding anything contained in this Chapter if no provision has been made in any submission for the appointment of an arbitrator, or where by reason of any circumstance no such arbitration is appointed, such dispute may be referred by the Government for the adjudication by the Industrial Tribunal.

10G. *State Government may refer Industrial Dispute to Industrial Tribunal for adjudication.*—(1) Notwithstanding anything contained in this Chapter, the State Government may, at any time, refer an industrial dispute for adjudication by the Industrial Tribunal if on a report made by the Conciliation Officer or otherwise it is satisfied that—

(A) by reason of the continuance of the dispute:—

(a) a serious outbreak of disorder or a breach of the public peace is likely to occur; or

(b) serious or prolonged hardship to a large section of the community is likely to be caused; or

(c) the industry concerned is likely to be seriously affected or the prospects and scope for employment therein curtailed; or

(B) the dispute is not likely to be settled by other means; or

(C) it is necessary in the public interest to do so.

(2) When the Government makes a reference to the Industrial Tribunal for adjudication of any Industrial dispute any submission or any award of an arbitrator with regard to that industrial dispute shall stand as cancelled.

10H. *Notice of award to parties.*—(1) The arbitrator or Industrial Tribunal as an arbitrator, as the case may be, shall forward copies of the award made by him or it to the parties, the Commissioner of Labour, the Registrar and the Government.

(2) On receipt of such award, the Registrar shall enter in the register kept for the purpose.

10I. The arbitration proceeding shall be deemed to have been completed when the award is published under section 17".

6. Amendment of section 17 of Act XIV of 1947.—In section 17 of the said Act after the words "the award of a Tribunal" the words "or an arbitrator" shall be inserted.

7. Omission of section 25 I of Act XIV of 1947.—Section 25 I of the said Act shall be omitted.

8. Amendment of section 20 of Act XLVIII of 1950.—For section 20 of the Industrial Disputes (Appellate Tribunal) Act, 1950 (XLVIII of 1950) the following shall be substituted, namely:—

"20. Recovery of money due from an employer under any award, decision or settlement.—(1) Where any workman is entitled to receive from the employers:—

(a) any money, whether an ascertained sum or not, due to him, or

(b) any benefit, which has not been received by him and which is capable of being commuted in terms of money under any settlement, award or decision of the Industrial Tribunal or under the provisions of Chapter VA of the Industrial Disputes Act, 1947 (XIV of 1947) he may submit to the Industrial Tribunal an application, in such form and manner as may be prescribed for the recovery of such money or computed amount of such benefit.

(2) On receipt of any application under sub-section (1), the Industrial Tribunal shall, after giving the parties an opportunity of being heard and after making such inquiry as it deems fit:—

(i) ascertain the amount due and payable to the workman, where any money referred to in clause (a) of sub-section (1) is not an ascertained sum of money, and

(ii) determine the amount at which any benefit referred to in clause (b) of sub-section (1) shall be computed.

The Industrial Tribunal may then issue a certificate specifying therein (i) the amount found due and payable to the workman, as a result of such inquiry, (ii) the amount of costs of the proceedings under this section. Such Certificate shall be forwarded by the Industrial Tribunal to the Collector and the amount specified therein shall, without prejudice to any other mode of recovery, be recovered in the same manner as an arrear of land revenue or as a public demand and paid to the workman."

STATEMENT OF OBJECTS AND REASONS

The question of Industrial relations has become very important now-a-days. The Central Industrial Disputes Act, 1947 is not sufficiently comprehensive. The proposed Bill seeks to adopt the provisions of the Industrial Disputes (Saurashtra Amendment) Act, 1953

and the Industrial Disputes and the Industrial Disputes (Appellate Tribunal) (Saurashtra Amendment) Bill, 1955, which are more comprehensive. Only necessary modifications have been made for the purpose of the adoption.

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